

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JEFFERY BATTLE,

Plaintiff

Case No. 1:23-cv-01822-LKG

v.

MICROSOFT CORPORATION,

Defendants

**DEFENDANT MICROSOFT CORPORATION'S MOTION TO
COMPEL ARBITRATION AND DISMISS OR STAY**

Pursuant to Federal Rule of Civil Procedure 12(b)(3) and the Federal Arbitration Act (“FAA”), 9 U.S.C. §§ 1, *et seq.*, Defendant Microsoft Corporation (“Microsoft”) hereby respectfully moves the Court for an order compelling arbitration of Plaintiff Jeffery Battle’s (“Plaintiff”) claims pursuant to the parties’ binding arbitration agreement.

As set forth in the accompanying Memorandum, Plaintiff repeatedly assented to the Microsoft Services Agreement (“MSA”), pursuant to which he agreed to arbitrate disputes, including those involving the tort claims at issue here, before the American Arbitration Association. Because Plaintiff’s claims fall squarely within the MSA’s broad arbitration provision, dismissal or, alternatively, a stay of this action pending arbitration is proper.

For these reasons and as set forth in the accompanying Memorandum, Microsoft respectfully requests that the Court enter an order compelling arbitration of this action in its entirety.

June 10, 2024

Respectfully submitted,

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Attorneys for Defendant Microsoft Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of June, 2024, copies of the foregoing Motion to Compel Arbitration and Dismiss or Stay, Memorandum of Law In Support of Defendant's Motion to Compel Arbitration, Declaration of S. Fogarty and Corresponding Exhibits, and Proposed Order were served by first class US Mail, postage prepaid, to:

Jeffery Battle (*pro se*)
P.O. Box 448
Laurel, MD 20725

/s/ Nicole Kozlowski
Nicole Kozlowski